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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,362	12/05/2000	Itzhak Shoher	SHO-2000-4	3707

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EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/729,362

Applicant(s)

SHOHER, ITZHAK

Examiner

Sam Rimell

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 6-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard et al. (U.S. Patent 6,097,374) in view of Official Notice.

Claim 6: Reference is made to FIG. 2. The system of FIG. 2 is essentially a base station that includes a wireless keyboard and a video monitor (14). The base station can communicate with a first remote computer (not shown in FIGS. 1-2) via a modem (59—col. 11, lines 1-7). The first computer is at a first remote location. The base station, with its wireless keyboard and video monitor are at the second location.

The keyboard that is used at the base station (second location) is an optical wireless keyboard that forms the keyboard processing unit. The A/D converter (25) is an ASCII encoder since it encodes ASCII standard characters typed into the keyboard into digital data. The D/A converter (23) is a decoder since it decodes digital signals back into analog form. The wireless communicating device is the RF transmission system (33, 34, 36, 37, 28—also col. 9, lines 36-37) which is part of the optical keyboard. A modem (59—col. 11, lines 1-7) exists to communicate with the first computer.

Howard differs in that the base station does not incorporate a browser so that items displayed on the video monitor (14) are controlled by a browser. Howard also does not disclose the communications network as being the Internet. However, Examiner takes Official Notice that

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both browsers and the Internet itself were well and in worldwide use at the time of applicant's invention.

It would have been obvious to one of ordinary skill in the art to modify the base station of FIG. 2 of Howard to include browser software so as to permit selective display of data on the video monitor (14). It would have been obvious to one of ordinary skill in the art to deploy the Internet as the communication medium for communicating between the first computer and the base station since the Internet is both economical to use and widely available.

Claim 7: Howard illustrates a video monitor (14) as part of the base station. No patentable distinction is found to exist between a "TV" and a "video monitor" since a television is in fact a video monitor. Howard further discloses an RF transmitter (34, also see col. 9, lines 36-37) and modulator (33) in the keyboard processor.

Remarks

Applicant's remarks have been fully considered.

Applicant's argument is that the system of Howard is a keyboard defining an array of optical switches and does not define a wireless communicating device making wireless communication with the Internet. This argument has been considered, but Examiner does not agree.

The system of Howard, does, as applicant suggests, define a keyboard with a series of complex optical switches. However, these switches and the overall keyboard system are used to establish a wireless connection with a computer (FIG. 1) at a second location. This feature meets the claimed requirements for a wireless communicating device establishing a wireless interconnection to a computer. Additionally, since the computer (FIG. 1) includes a modem (59)

to a telephone based network (col. 11, lines 1-7) the wireless communication is made to a wide area network, such as the Internet.

Applicant's arguments at page 7, lines 1-2 also suggest that applicant believes the first and second locations to be illustrated in FIG. 2. This is not correct. The claimed second location is the computer system of FIG. 2 and generally illustrated at FIG. 1. The computer of the first location is a remote computer communicated with by the modem (59). It is not illustrated in FIGS. 1-2.

Applicant also argues that with respect to claim 6, the claim calls for the operator, video monitor and keyboard to be at the same location (the second location). This is in fact what is disclosed by Howard in FIGS. 1-2. Again, FIGS. 1-2 define the computer elements of the second location while a remote computer system (not illustrated in FIGS 1-2) resides at a first location and is communicating with the second location

Applicant also presents arguments regarding the taking of Official Notice, although applicant's arguments on this point pertain to the details of the first and second location, which are addressed in the previous two paragraphs of this discussion.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.



Sam Rimell
Primary Examiner
Art Unit 2165